

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

DALI BAGROU,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CIVIL ACTION NO.: 4:22-cv-208

(Formerly Case No. 4:19-cr-150-2)

ORDER

After a careful de novo review of the entire record, the Court concurs with the Magistrate Judge's September 7, 2022, Report and Recommendation, (doc. 2), to which Petitioner has filed an objection, (doc. 3). Bagrou's Objection does not identify any defect in the Magistrate Judge's analysis. (See generally id.) As to the first ground for relief, he reiterates his contention that he "did not have any type of communication with Russians," (id. at 1), but does not explain why that contention, even if true, affects the validity of his conviction. As to the second ground for relief, he alleges that he felt pressured to "sign the sentencing certification." (Id. at 1-2.) It is unclear to what document Bagrou is referring.¹ Bagrou's Objections are **OVERRULED**, (doc. 3), and

¹ The only "certification" that the Court is aware that Bagrou signed is the Post-Conviction Consultation Certification, (see CR419-150, doc. 330-1 pp. 3-4 (S.D. Ga. Nov. 24, 2021).) That form, however, expressly advises of his right to appeal and the consequences of failing to do so. (Id.) Even assuming, as the Magistrate Judge did, that Bagrou's sentencing-disparity claim is cognizable under § 2255, (see doc. 2, pp. 4-5, 5 n. 3), Bagrou's vague assertions are not sufficient to alter the Magistrate Judge's conclusion that he has failed to sufficiently allege cause or prejudice to excuse the procedural default of that claim, (id.).

the Court **ADOPTS** the Report and Recommendation as its opinion, (doc. 2.). For the reasons discussed by the Magistrate Judge, Bagrou's 28 U.S.C. § 2255 motion, (doc. 1), is **DENIED**.

There are no discernable issues worthy of a certificate of appeal. Therefore, the Court **DENIES** the issuance of a Certificate of Appealability. Bagrou is advised that he "may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22." Rule 11(a), Rules Governing Section 2255 Cases in the United States District Courts. Furthermore, as there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith. Thus, the Court likewise **DENIES** Bagrou *in forma pauperis* status on appeal. The Court **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal.

SO ORDERED, this 2nd day of November, 2022.

A handwritten signature in blue ink, appearing to read "R. Stan Baker", is written above a horizontal line.

R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA